AMENDMENT

A Version With Markings To Show Changes Made is included after Applicant's Remarks, beginning at page 4.

In the Specification:

At page 1, between lines 2 and 3, after the title, please insert the following paragraph:

--The U.S. Government has a paid-up license in this invention and the right in limited circumstances to require the patent owner to license others on reasonable terms as provided for by the terms of NIH grant 1RRO157232.--.

REMARKS

Applicant recently learned that the U.S. Government has a paid up license in the claimed invention, and in acknowledgment of that fact, the aforegoing amendment is made. No new subject matter is introduced by the amendment.

Applicant herewith supplements Applicant's Remarks (at pages 18 [last paragraph]-19 [last full paragraph]) in the Response to Office Action, which Applicant mailed September 24, 2001, with respect to the Examiner's comment in the Office Action, mailed April 24, 2001, that ". . . the claimed methods, cells, and mammals are enabled only for the transgenic mice comprising the human cyclin A1 promoter construct . . ." As stated in Applicant's Response to Office Action (mailed September 24, 2001), Applicant disagrees and, further to Applicant's previous remarks, would like to bring the Examiner's attention to the specification, e.g., at page 46, lines 10-13, and at Example 18, which describes active expression from the inventive human cyclin A1 promoter, not only in mice and in mouse cells, but in a variety of other mammalian cell lines. The specification states, "Both the -1299 to +144 and the -190 to +144 constructs

exhibited promoter activity in a variety of cell lines including Cos-7 (monkey kidney cell), MCF-7 ([human] breast cancer cell), U937 ([human] myeloid leukemia cell), KCL22 ([human] myeloid leukemia cell), PC3 ([human] prostatic cancer cell), HeLa ([human] cervical cancer cell) and Jurkat ([human] T-cell lymphoma)." (Specification, at page 46, lines 10-13). Since the inventive human cyclin A1 promoter construct is active in rodent and monkey cells, as well as human cells, this is additional strong evidence that the cyclin A1 promoter is active in other non-human mammals besides mice.

CONCLUSION

In view of the above amendments and remarks, it is submitted that this application is now ready for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (213) 896-6665.

Respectfully submitted,

By: _____

Nisan A. Steinberg, Ph.D.

Reg. No. 40,345

Sidley Austin Brown & Wood
555 West Fifth Street, Suite 4000
Los Angeles, CA 90013
MHODMA.LA1;379592;1

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

At page 1, between lines 2 and 3, after the title, please insert the following paragraph:

--The U.S. Government has a paid-up license in this invention and the right in limited circumstances to require the patent owner to license others on reasonable terms as provided for by the terms of NIH grant 1RRO157232.--.